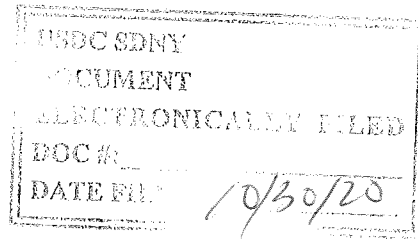


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRANCIS HENRY RUGGIERO,
Plaintiff,

v.

SERGEANT K. LYONS, DR. SALWA
KHOURI, and HEALTH SERVICE
ADMINISTRATOR IBELLIS DIAZ,
Defendants.
-----X



ORDER

19 CV 3632 (VB)

On August 28, 2020, the Court scheduled an initial case management and scheduling conference in this matter for October 14, 2020, at 9:30 a.m., to proceed telephonically. (Doc. #77). Defendants' counsel appeared for the conference. Plaintiff failed to appear, without excuse or explanation. Accordingly, on October 14, 2020, the Court deemed plaintiff had abandoned the instant case and adjourned the teleconference to October 30, 2020, at 2:30 p.m. (Doc. #88). The Court also warned plaintiff, in bold and underlined font, that if he failed to appear at the October 30, 2020, teleconference, the Court would dismiss the case for failure to prosecute or comply with Court Orders pursuant to Fed. R. Civ. P. 41(b). (Id.). Chambers mailed a copy of this Order to plaintiff at the address on the docket. It was not returned as undeliverable.

On October 30, 2020, defendants' counsel appeared telephonically for the scheduled conference. Again, plaintiff failed to appear, without excuse or explanation.

Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), the Court dismisses this case with prejudice for failure to prosecute and failure to comply with Court orders. Fed. R. Civ. P. 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is instructed to close this case.

Dated: October 30, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', followed by a long horizontal line extending to the right.

Vincent L. Briccetti
United States District Judge